

# JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

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TWENTY-SECOND DAY, THURSDAY, FEBRUARY 10, 2000

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

Bless this House, O Lord, with leaders who both think and feel; with lawmakers who love the people; with craftsmen and women who balance needs and resources; with members whose loyalty is to do the best for Missouri they are able to do.

And give to them a light touch, a smile bright with the light of love, and a joy for the task of the day. To You be glory and power, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-first day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 237 - Representative McClelland  
House Resolution No. 238 - Representative Davis (122)  
House Resolution No. 239 - Representative Levin  
House Resolution No. 240 - Representative Ridgeway  
House Resolution No. 241 and House Resolution No. 242 - Representative Smith  
House Resolution No. 243 - Representatives Hendrickson, Enz and Murphy  
House Resolution No. 244 - Representative Legan  
House Resolution No. 245 - Representative Enz  
House Resolution No. 246 - Representative Black  
House Resolution No. 247 - Representative McClelland  
House Resolution No. 248 - Representative Miller  
House Resolution No. 249 - Representative Days  
House Resolution No. 250 - Representative Leake  
House Resolution No. 251 - Representative Robirds  
House Resolution No. 252 and House Resolution No. 253 - Representative Seigfreid  
House Resolution No. 254 and House Resolution No. 255 - Representative Howerton  
House Resolution No. 256 - Representatives Curls, Riley and Wilson (42)  
House Resolution No. 257 through House Resolution No. 261 - Representative Howerton  
House Resolution No. 262 through House Resolution No. 264 - Representative McClelland  
House Resolution No. 265 - Representative Green  
House Resolution No. 266 - Representatives Reynolds, George and Green

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 71** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1970** through **HB 1978** were read the second time.

## SECOND READING OF SENATE BILL

**SCS SB 719** was read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 1074, HCS HB 1142, HCS HB 1144, HB 1186, HB 1321** and **HB 1363**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## THIRD READING OF HOUSE BILLS

**HB 1363**, relating to Interstate Passenger Rail Compact, was taken up by Representative Bray.

On motion of Representative Bray, **HB 1363** was read the third time and passed by the following vote:

AYES: 129

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Black	Blunt	Boatright	Bonner
Boucher	Boykins	Bray 84	Britt	Campbell
Carter	Champion	Cierpiot	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Howerton	Kelly 27	King
Kissell	Klindt	Kreider	Lakin	Lawson
Leake	Levin	Liese	Loudon	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Phillips	Pryor	Ransdall
Reid	Reinhart	Relford	Reynolds	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Secrest	Seigfreid	Selby
Shelton	Shields	Smith	Stokan	Summers

Thompson	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 028

Ballard	Berkstresser	Burton	Chrismer	Crawford
Dolan	Elliott	Foster	Gross	Hohulin
Holand	Koller	Legan	Linton	Lograsso
Long	Marble	Murphy	Naeger	Nordwald
Pouche	Purgason	Richardson	Ridgeway	Scott
Surface	Townley	Williams 159		

PRESENT: 000

ABSENT WITH LEAVE: 005

Kasten	Kelley 47	Kennedy	Patek	Skaggs
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VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 1144**, relating to merchandising practices, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 1144** was read the third time and passed by the following vote:

AYES: 158

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher	Boykins	Bray 84
Britt	Burton	Campbell	Carter	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambara	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole

Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche	Pryor	Purgason	Ransdall	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Smith	Stokan
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 001

Reid

ABSENT WITH LEAVE: 003

Kasten	Kelley 47	Skaggs
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VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HB 1321**, relating to interstate compact, was taken up by Representative Relford.

On motion of Representative Relford, **HB 1321** was read the third time and passed by the following vote:

AYES: 157

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher	Boykins	Bray 84
Britt	Burton	Campbell	Carter	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambara	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie

Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Smith	Stokan	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 001

Murphy

ABSENT WITH LEAVE: 004

Kasten	Kelley 47	Reynolds	Skaggs
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VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 1142**, relating to traffic regulations, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HCS HB 1142** was read the third time and passed by the following vote:

AYES: 155

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Berkowitz	Black	Blunt	Boatright	Bonner
Boucher	Boykins	Bray 84	Britt	Burton
Campbell	Carter	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer

Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Phillips	Pouche	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Smith	Stokan	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bennett	Berkstresser	Kasten	Kelley 47	Patek
Skaggs	Williams 121			

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

### PERFECTION OF HOUSE BILL

**HCS HBs 1215 & 1240**, relating to computer crime, was taken up by Representative Smith.

Representative Smith offered **HS HCS HBs 1215 & 1240**.

Representative Scott offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1215 & 1240, Page 18, Section 569.099, Line 41, by inserting immediately after said line the following:

**“570.083. 1. A person who uses the Internet to sell property when that person knows or has reasonable cause to believe the property is stolen, commits theft by Internet.**

**2. A person who uses the Internet to purchase property with a credit card or checking account when the person knows or has reasonable cause to believe the credit card or checking account is fictitious or stolen, commits theft by Internet.**

**3. Theft by Internet is a class C felony regardless of the value of the stolen property.”; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Scott, **House Amendment No. 1** was adopted.

Representative Hanaway offered **House Amendment No. 2**.

Representative Smith raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Froelker offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1215 & 1240, Page 38, Section 578.524, Line 19, by deleting lines 19 through 24.

Representative Froelker moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Marble offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1215 & 1240, Page 37, Section 578.524, Line 12, by placing a bracket in front of the word “or”; and

Further amend said bill, line 16, by placing a bracket after the word “material”; and

Further amend said bill, page 38, line 8, by placing a bracket in front of the word “or”; and

Further amend said bill, line 12, by placing a bracket after the word “material”.

Representative Marble moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Gibbons offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1215 & 1240, Page 12, Section 565.252, Line 13, by adding after the word “distributes” the following: “or allows to be viewed”.

On motion of Representative Gibbons, **House Amendment No. 4** was adopted.

On motion of Representative Smith, **HS HCS HBs 1215 & 1240, as amended**, was adopted.

On motion of Representative Smith, **HS HCS HBs 1215 & 1240, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 56** - Judiciary  
**HJR 62** - Miscellaneous Bills and Resolutions  
**HJR 63** - Missouri Tobacco Settlement  
**HJR 64** - Fiscal Review

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1186** - Fiscal Review  
**HB 1243** - Judiciary  
**HB 1307** - Urban Affairs  
**HB 1381** - Commerce  
**HB 1382** - Commerce  
**HB 1418** - Critical Issues  
**HB 1446** - Local Government and Related Matters  
**HB 1462** - Ways and Means  
**HB 1496** - Consumer Protection and Housing  
**HB 1528** - Criminal Law  
**HB 1529** - Education - Elementary and Secondary  
**HB 1560** - Criminal Law  
**HB 1580** - Judiciary  
**HB 1581** - Criminal Law  
**HB 1596** - Insurance  
**HB 1664** - Civil and Administrative Law  
**HB 1720** - Miscellaneous Bills and Resolutions  
**HB 1793** - Local Government and Related Matters  
**HB 1794** - Criminal Law  
**HB 1796** - Agri-Business  
**HB 1797** - Miscellaneous Bills and Resolutions  
**HB 1798** - Civil and Administrative Law  
**HB 1800** - Correctional and State Institutions  
**HB 1801** - Environment and Energy  
**HB 1802** - Insurance  
**HB 1803** - Local Government and Related Matters  
**HB 1804** - Public Health



**HB 1805** - Judiciary  
**HB 1806** - Agriculture  
**HB 1807** - Judiciary  
**HB 1808** - Retirement  
**HB 1809** - Judiciary  
**HB 1812** - Children, Youth and Families  
**HB 1813** - Ways and Means  
**HB 1814** - Correctional and State Institutions  
**HB 1815** - Retirement  
**HB 1816** - Labor  
**HB 1817** - Social Services, Medicaid and the Elderly  
**HB 1818** - Criminal Law  
**HB 1819** - Children, Youth and Families  
**HB 1820** - Education - Higher  
**HB 1821** - Civil and Administrative Law  
**HB 1822** - Criminal Law  
**HB 1823** - Motor Vehicle and Traffic Regulations  
**HB 1824** - Ways and Means  
**HB 1825** - Tourism, Recreation and Cultural Affairs  
**HB 1826** - Critical Issues  
**HB 1827** - Professional Registration and Licensing  
**HB 1828** - Public Health  
**HB 1829** - Ways and Means  
**HB 1830** - Ways and Means  
**HB 1831** - Ways and Means  
**HB 1832** - Ways and Means  
**HB 1833** - Ways and Means  
**HB 1834** - Ways and Means  
**HB 1835** - Critical Issues  
**HB 1836** - Fiscal Review  
**HB 1837** - Civil and Administrative Law  
**HB 1838** - Motor Vehicle and Traffic Regulations  
**HB 1839** - Criminal Law  
**HB 1840** - Civil and Administrative Law  
**HB 1841** - Agriculture  
**HB 1842** - Utilities Regulation  
**HB 1843** - Local Government and Related Matters  
**HB 1844** - Correctional and State Institutions  
**HB 1845** - Education - Elementary and Secondary  
**HB 1846** - Urban Affairs  
**HB 1847** - Retirement  
**HB 1848** - Professional Registration and Licensing  
**HB 1849** - Local Government and Related Matters  
**HB 1850** - Local Government and Related Matters  
**HB 1851** - Criminal Law

**HB 1852** - Education - Elementary and Secondary  
**HB 1853** - Education - Elementary and Secondary  
**HB 1854** - Education - Elementary and Secondary  
**HB 1855** - Judiciary  
**HB 1856** - Judiciary  
**HB 1857** - Professional Registration and Licensing  
**HB 1858** - Civil and Administrative Law  
**HB 1860** - Education - Elementary and Secondary  
**HB 1861** - Ways and Means  
**HB 1862** - Critical Issues  
**HB 1863** - Motor Vehicle and Traffic Regulations  
**HB 1864** - Ways and Means  
**HB 1865** - Children, Youth and Families  
**HB 1867** - Education - Elementary and Secondary  
**HB 1868** - Professional Registration and Licensing  
**HB 1869** - Consumer Protection and Housing  
**HB 1870** - Ways and Means  
**HB 1871** - Social Services, Medicaid and the Elderly  
**HB 1872** - Elections  
**HB 1873** - Education - Elementary and Secondary  
**HB 1874** - Insurance  
**HB 1875** - Fiscal Review  
**HB 1876** - Education - Elementary and Secondary  
**HB 1877** - Consumer Protection and Housing  
**HB 1878** - Utilities Regulation  
**HB 1879** - Critical Issues  
**HB 1880** - Criminal Law  
**HB 1881** - Transportation  
**HB 1882** - Ways and Means  
**HB 1883** - Local Government and Related Matters  
**HB 1884** - Education - Elementary and Secondary  
**HB 1885** - Motor Vehicle and Traffic Regulations  
**HB 1886** - Ways and Means  
**HB 1887** - Criminal Law  
**HB 1888** - Education - Higher  
**HB 1889** - Public Safety and Law Enforcement  
**HB 1890** - Social Services, Medicaid and the Elderly  
**HB 1892** - Local Government and Related Matters  
**HB 1893** - Education - Higher  
**HB 1894** - Consumer Protection and Housing  
**HB 1895** - Utilities Regulation  
**HB 1896** - Education - Elementary and Secondary  
**HB 1897** - Civil and Administrative Law  
**HB 1898** - Transportation  
**HB 1899** - Civil and Administrative Law

**HB 1900** - Motor Vehicle and Traffic Regulations  
**HB 1903** - Local Government and Related Matters  
**HB 1932** - Critical Issues

## COMMITTEE REPORTS

### **Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 1602**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

### **Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 1597**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 1737**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

### **Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 1603**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2**.

#### *House Committee Amendment No. 1*

AMEND House Bill No. 1603, Pages 1 to 3, Section 407.815, by deleting all of said section; and

Further amend said bill, Page 3, Section 407.816, by deleting all of said section; and

Further amend said bill, Pages 3 to 5, Section 407.817, by deleting all of said section; and

Further amend said bill, Pages 8 to 15, Section 407.825, by deleting all of said section; and

Further amend said bill, Page 16, Section 407.923, Lines 21 to 22, by deleting all of said lines and inserting in lieu thereof the following: "**person who has made a reasonable, bona fide, unencumbered initial investment in the franchise which is subject to loss. Such sales price**"; and

Further amend said bill, Page 17, Section 407.923, Line 43, by inserting after all of said line the following:

**"4. Franchisee may sell new motor vehicles from two or more different manufacturers, as long as the franchisee has separate show rooms.**

**5. Subsection 2 of this section and subdivision (1) of subsection 3 of this section shall expire August 28, 2002."**; and

Further amend said title, enacting clause and intersectional references accordingly.

*House Committee Amendment No. 2*

AMEND House Bill No. 1603, Pages 5 to 8, Section 407.822, by deleting all of said section and inserting in lieu thereof the following:

"407.822. 1. Any party seeking relief pursuant to the provisions of sections 407.810 to 407.835 may file an application for a hearing with the administrative hearing commission within the time periods specified in this section. The application for a hearing shall comply with the requirements for a request for agency action set forth in chapter 536, RSMo. Simultaneously, with the filing of the application for a hearing with the administrative hearing commission, the applicant shall send by certified mail, return receipt requested, a copy of the application to the party or parties against whom relief is sought. Within [ten days of] **upon** receiving a timely application for a hearing, the administrative hearing commission shall enter an order fixing a date, time and place for a hearing on the record. [Such hearing shall be within forty-five days of the date of the order but the administrative hearing commission may continue the hearing date up to forty-five additional days by agreement of the parties or upon a finding of good cause.] The administrative hearing commission shall send by certified mail, return receipt requested, a copy of the order to the party seeking relief and to the party or parties against whom relief is sought. The order shall also state that the party against whom relief is sought shall not proceed with the initiation of its activity or activities until the administrative hearing commission issues its final decision or order, **and the party against whom relief is sought shall, within thirty days of such order, file its answer or other responsive pleading directed to each claim for relief set forth in the application for hearing. Failure to answer or otherwise respond within such time frame may be deemed by the administrative hearing commission as an admission of the grounds for relief as set forth in the application for hearing.**

2. Unless otherwise expressly provided in sections 407.810 to 407.835, the provisions of chapter 536, RSMo, shall govern hearings and prehearing procedures conducted pursuant to the authority of this section. **Any party may obtain discovery in the same manner, and under the same conditions and requirements, as is or may hereafter be provided for with respect to discovery in civil actions by rule of the supreme court of Missouri for use in the circuit courts, and the administrative hearing commission may enforce discovery by the same methods as provided by supreme court rule for use in civil cases.** The administrative hearing commission shall issue a final decision or order, in proceedings arising pursuant to the provisions of sections 407.810 to 407.835[, within sixty days from the conclusion of the hearing]. **In any proceeding initiated pursuant to sections 407.810 to 407.835 involving a matter requiring a franchisor to show good cause for any intended action being protested by a franchisee, the franchisor shall refrain from taking the protested action if, after hearing on the matter before the administrative hearing commission, the administrative hearing commission determines that good cause does not exist for the franchisor to take such action. The franchisee may, if necessary, seek enforcement of the decision of the administrative hearing commission pursuant to the provisions of section 407.835. Venue for such proceedings shall be in the circuit court of Cole County, Missouri. In determining any relief necessary for enforcement of the decision of the administrative hearing commission, the court shall defer to the commission's factual findings, and review shall be limited to a determination of whether the commission's decision was authorized by law and whether the commission abused its discretion.** Any final decisions shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing, or any part of the hearing, is held and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice of the final decision in such a case. **Appeal of the administrative hearing commission's decision pursuant to this section shall not preclude any action authorized by section 407.835, brought in a court of competent jurisdiction, requesting an award of legal or equitable relief, provided that such an action is brought solely for the purpose of enforcing a decision so the administrative hearing commission which is on appeal pursuant to this section, the court in which such action is pending shall hold in abeyance its judgment pending issuance of a decision by the court of appeals.** Review pursuant to this section shall be exclusive and decisions of the administrative hearing commission reviewable pursuant to this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise, except pursuant to the provisions of this section. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the administrative hearing commission with the appropriate court of appeals.

3. Any franchisee receiving a notice from a franchisor pursuant to the provisions of sections 407.810 to 407.835, or any franchisee adversely affected by a franchisor's acts or proposed acts described in the provisions of sections 407.810 to 407.835, shall be entitled to file an application for a hearing before the administrative hearing commission

for a determination as to whether the franchisor has good cause for its acts or proposed acts.

4. Not less than sixty days before the effective date of the initiation of any enumerated act pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825, a franchisor shall give written notice to the affected franchisee or franchisees, by certified mail, return receipt requested, except as follows:

(1) Upon the initiation of an act pursuant to subdivision (5) of subsection 1 of section 407.825, such notice shall be given not less than fifteen days before the effective date of such act only if the grounds for the notice include the following:

(a) Transfer of any ownership or interest in the franchised dealership without the consent of the motor vehicle franchisor;

(b) Material misrepresentation by the motor vehicle franchisee in applying for the franchise;

(c) Insolvency of the motor vehicle franchisee or the filing of any petition by or against the motor vehicle franchisee under any bankruptcy or receivership law;

(d) Any unfair business practice by the motor vehicle franchisee after the motor vehicle franchisor has issued a written warning to the motor vehicle franchisee to desist from such practice;

(e) Conviction of the motor vehicle franchisee of a crime which is a felony;

(f) Failure of the motor vehicle franchisee to conduct customary sales and service operations during customary business hours for at least seven consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the motor vehicle franchisee has no control; or

(g) Revocation of the motor vehicle franchisee's license;

(2) Upon initiation of an act pursuant to subdivision (7) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a written proposal to consummate such sale or transfer and the receipt of all necessary information and documents generally used by the franchisor to conduct its review. **The franchisor shall acknowledge in writing to the applicant the receipt of the information and documents and if the franchisor requires additional information or documents to complete its review, the franchisor shall notify the applicant within fifteen days of the receipt of the information and documents. If the franchisor fails to request additional information and documents from the applicant within fifteen days after receipt of the initial forms, the sixty-day time period for approval shall be deemed to run from the initial receipt date. Otherwise, the sixty-day time period for approval shall run from receipt of the supplemental requested information. In no event shall the total time period for approval exceed seventy-five days from the date of the receipt of the initial information and documents.** The franchisor's notice of disapproval shall also specify the reasonable standard which the franchisor contends is not satisfied and the reason the franchisor contends such standard is not satisfied. Failure on the part of the franchisor to provide such notice shall be conclusively deemed an approval by the franchisor of the proposed sale or transfer to the proposed transferee. A franchisee's application for a hearing shall be filed with the administrative hearing commission within twenty days from receipt of such franchisor's notice;

(3) Pursuant to paragraphs (a) and (b) of subdivision (14) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a deceased or incapacitated franchisee's designated family member's intention to succeed to the franchise or franchises or of the franchisor's receipt of the personal and financial data of the designated family member, whichever is later.

5. A franchisor's notice to a franchisee or franchisees pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825 shall contain a statement of the particular grounds supporting the intended action or activity which shall include any reasonable standards which were not satisfied. The notice shall also contain at a minimum, on the first page thereof, a conspicuous statement which reads as follows: "NOTICE TO FRANCHISEE: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE MISSOURI ADMINISTRATIVE HEARING COMMISSION IN JEFFERSON CITY, MISSOURI, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE CONTENTS OF THIS NOTICE. ANY ACTION MUST BE FILED WITHIN TWENTY DAYS FROM RECEIPT OF THIS NOTICE."

6. When more than one application for a hearing is filed with the administrative hearing commission, the administrative hearing commission may consolidate the applications into one proceeding to expedite the disposition of all relevant issues.

7. In all proceedings before the administrative hearing commission pursuant to this section, section 407.825 and section 621.053, RSMo, where the franchisor is required to give notice pursuant to subsection 4 of this section, the franchisor shall have the burden of proving by a preponderance of the evidence that good cause exists for its actions. In all other actions, the franchisee shall have the burden of proof."; and

Further amend said title, enacting clause and intersectional references accordingly.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1644**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 17**, introduced by Representative Riley, instructing the State Highways and Transportation Commission and the Department of Transportation to name a section of Interstate 70, the "Derrick Thomas Memorial Highway".

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1979**, introduced by Representative Wiggins, relating to municipal removal of weeds or trash.

**HB 1980**, introduced by Representatives Hartzler (124), Champion, Cierpiot, Hanaway, Holand and Myers, et al, relating to the department of higher education.

**HB 1981**, introduced by Representatives Hartzler (124), Gross, Champion, Cierpiot, Holand, Myers and Hanaway, et al, relating to adoption.

**HB 1982**, introduced by Representatives Hartzler (124), Loudon, Cierpiot, Hanaway, Myers and Gross, et al, relating to adoption.

**HB 1983**, introduced by Representatives Evans, Foley, Secrest, O'Connor, Gross, Hickey, Gibbons, Shelton and Backer, et al, relating to bullion and investment coins.

**HB 1984**, introduced by Representative Elliott, relating to motor vehicles.

**HB 1985**, introduced by Representatives Myers and Chrismer, et al, relating to registration of sex offenders.

**HB 1986**, introduced by Representatives Blunt, Marble, Pouche and Myers, et al, relating to the fair ballot language act.

**HB 1987**, introduced by Representatives Rizzo, Gaw, Kissell, Monaco, Bonner, Parker, Riley, Barry and Scheve, et al, relating to sexual offenses involving children.

**HB 1988**, introduced by Representatives Reynolds, Murray, Kissell, O'Connor, George, Hickey and Green, et al, relating to public officers and employees.

**HB 1989**, introduced by Representatives Gaw and Wiggins, relating to the establishment of the World War II Pearl Harbor Survivors Memorial Highway on highway 63.

**HB 1990**, introduced by Representatives Barnett, Gaskill, Richardson, Merideth and Summers, et al, relating to county boards of equalization.

**HB 1991**, introduced by Representatives Luetkemeyer and Pryor, relating to law enforcement districts.

**HB 1992**, introduced by Representative Gibbons, relating to a flat rate individual income tax.

**HB 1993**, introduced by Representatives Bennett, Chrismer, Gross and Dolan, relating to recall elections for school board members.

**HB 1994**, introduced by Representative Hanaway, relating to liability of trustees of political subdivisions.

**HB 1995**, introduced by Representative Hanaway, relating to controlled substances.

**HB 1996**, introduced by Representatives Backer, Hagan-Harrell, Kreider, Williams (159), Relford, Summers, Fitzwater and Berkowitz, et al, relating to teacher and school employee retirement systems.

**HB 1997**, introduced by Representatives Smith, Monaco, Hollingsworth, Williams (159), Davis (122) and Hosmer, relating to school safety.

### **COMMITTEE CHANGE**

The Speaker submitted the following Committee change:

Representative Klindt has been appointed a member of the Appropriations - Natural and Economic Resources Committee.

### **WITHDRAWAL OF HOUSE BILL**

February 10, 2000

The Honorable Steve Gaw  
Speaker of the House  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **HB 1624** be withdrawn.

Thank you.

Sincerely,

/s/ Wes Wagner

### **ADJOURNMENT**

On motion of Representative Foley, the House adjourned until 4:00 p.m., Monday, February 14, 2000.

### **COMMITTEE MEETINGS**

#### **AGRI-BUSINESS**

Monday, February 14, 2000, 8:00 pm. Hearing Room 5.

Executive Session may follow.

To be considered - HB 1674, HB 1683, HB 1762

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Tuesday, February 15, 2000. Hearing Room 1 upon adjournment.

Continue mark-up.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Monday, February 14, 2000, 1:00 pm. Hearing Room 7.

Mark-up.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 14, 2000, 10:30 am. Hearing Room 6.

Mark-up.

#### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Tuesday, February 15, 2000. Hearing Room 5 upon adjournment.

Open items. Executive Session.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 15, 2000, 8:00 am. Hearing Room 3.

Mark-up Dept. of Corrections, Dept. of Social Services.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 15, 2000. Hearing Room 3 upon adjournment.

Mark-up Dept. of Corrections, Dept. of Social Services.



APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 16, 2000, 8:00 am. Hearing Room 3.

Mark-up Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 16, 2000. Hearing Room 3 upon adjournment.

Mark-up Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 17, 2000, 8:00 am. Hearing Room 3.

Mark-up Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 17, 2000. Hearing Room 3 upon adjournment.

Mark-up Dept. of Social Services.

BANKS AND FINANCIAL INSTITUTIONS

Tuesday, February 15, 2000, 9:30 am. Side gallery.

To be considered - Executive Session - HB 1780

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 16, 2000, 3:00 pm. Hearing Room 3.

Presentation of the Federal Financial Modernization Act of 1999.

Rescheduled from 2-9-2000.

CHILDREN, YOUTH AND FAMILIES

Wednesday, February 16, 2000, 7:30 pm. Hearing Room 6.

AMENDED NOTICE. To be considered - HB 1712,

Executive Session - HB 1675, Executive Session - HB 1676,

Executive Session - HB 1677

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 16, 2000, 3:00 pm. Hearing Room 1.

Executive Session will follow.

To be considered - HB 1502, HB 1543, HB 1703, HB 1770

CONSUMER PROTECTION

Tuesday, February 15, 2000, 8:00 pm. Hearing Room 1.

Executive Session.

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 15, 2000, 8:00 pm. Hearing Room 7.

Executive Session may follow.

To be considered - HB 1604, HB 1654, HB 1769

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 15, 2000, 4:00 pm. Hearing Room 3.

To be considered - HB 1217, HB 1279, HB 1412

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 15, 2000, 7:00 pm. Hearing Room 3.

Kansas City and St. Louis Schools Accreditation Issue.

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, February 14, 2000, 8:00 pm. Hearing Room 1.

Executive Session may follow.

To be considered - HB 1736

FISCAL REVIEW

Wednesday, February 16, 2000, 8:30 am. Hearing Room 4.

Executive Session.

To be considered - HB 1074, HB 1186, HB 1510, HB 1586

INSURANCE

Tuesday, February 15, 2000, 8:30 am. Hearing Room 5.

To be considered - HB 1616, HB 1680, HB 1739

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 17, 2000.

Senate Committee Room 1 upon morning adjournment.

Closed meeting within the meaning of Chapter 610, RSMo

JUDICIARY

Tuesday, February 15, 2000, 3:00 pm. Hearing Room 5.

Executive Session to follow.

To be considered - HB 1138, HB 1181, HB 1182, HB 1276, HB 1367, HB 1374,  
HB 1403

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 15, 2000, 3:00 pm. Hearing Room 1.

To be considered - HB 1228, HB 1236, HB 1306, HB 1364, HB 1399, HB 1432,  
HB 1513, HB 1515, HB 1645

PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, February 15, 2000, 8:30 am. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1697, HB 1757, HB 1771

**SOCIAL SERVICES, MEDICAID AND THE ELDERLY**

Tuesday, February 15, 2000, 7:30 pm. Hearing Room 6.

AMENDED NOTICE. Executive Session.

To be considered - HB 1260, HB 1719

**WAYS AND MEANS**

Tuesday, February 15, 2000, 3:00 pm. Hearing Room 6.

Executive Session possible.

To be considered - HB 1401, HB 1424, HB 1466, HB 1523, HB 1606, HB 1643,  
HB 1687, HB 1700, HB 1726, HB 1773, HB 1774, HB 1810

**HOUSE CALENDAR**

TWENTY-THIRD DAY, MONDAY, FEBRUARY 14, 2000

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 17

**HOUSE BILLS FOR SECOND READING**

HB 1979 through HB 1997

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 61 - Van Zandt

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 1114 - Franklin

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1082 - Crump
- 2 HB 1452 - Foley
- 3 HCS HB 1742 - Koller
- 4 HCS HB 1254 - Kissell
- 5 HCS HB 1644 - Hagan-Harrell

**HOUSE BILL FOR PERFECTION - INFORMAL**

HCS HB 1362, HS, as amended, pending - Harlan

**HOUSE BILLS FOR PERFECTION - CONSENT**

(02-14-00)

- 1     HB 1376 - Farnen
- 2     HB 1197 - Hosmer
- 3     HB 1292 - Auer
- 4     HB 1208 - Fitzwater
- 5     HB 1353 - Farnen
- 6     HB 1185 - Gratz
- 7     HB 1085 - Selby
- 8     HB 1396 - Farnen
- 9     HB 1097 - Hosmer
- 10    HB 1289 - Auer

**HOUSE BILLS FOR THIRD READING**

- 1     HCS HB 1074, (Fiscal Review 2-9-00) - Relford
- 2     HB 1186, (Fiscal Review 2-10-00) - Gratz